Derek Kirk	
Name P.O. Box 7000	
Canson City, NV 89702	
Number	
<u> </u>	ES DISTRICT COURT T OF NEVADA
Derek Kirk Plaintiff,))
Carson County,	CASE NO. 3:13-cy-00490-MmD-VPC (To be supplied by the Clerk)
Carson City Sheriff's Department	AMENDED CIVIL RIGHTS COMPLAINT PURSUANT TO
Sheriff Ken Furlong. Captain Donald White.	42 U.S.C. § 1983 JURY TRIAL DEMANDED)
Defendant(s).))
A. JUI	RISDICTION
1) This complaint alleges that the	e civil rights of Plaintiff, <u>Derek Kirk</u> , (Print Plaintiff's name)
who presently resides at Nor.	hern Nevada Correctional Center, were
violated by the actions of the b	pelow named individuals which were directed against
Plaintiff at Carson City De (institution/cit	on the following dates y where violation occurred)
3-14-13 to 10-10-13, (Count I)	(Count II), and (Count III)

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

2) Defendant Carson County resides at 911 F. Muscer St. (full name of first defendant) (address if first defendant) and is employed as Detention Facility
(full name of first defendant) (address if first defendant)
and is employed as Detention Facility
(defendant's position and title, if any)
✓ individual ✓ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Sheriff Department, Detention Facility
under color of law. One 11415 Depart if color in the color of law.
3) Defendant Carson City Sheriff's Dept. resides at 911 E. Musser St. (full name of first defendant) (address if first defendant)
(full name of first defendant) (address it first defendant)
(full name of first defendant) (address if first defendant) and is employed as Detention Facility . This defendant is sued in his/her
. (defendant's position and title, if any)
individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Detention Facility
under color of law. Design fight
4) Defendant Ken Furlong resides at 91 E. Musser St. (full name of first defendant) (address if first defendant) and is employed as Sheriff . This defendant is sued in his/her
(full name of first defendant) (address if first defendant)
and is employed as Sheriff
(defendant's position and title, if any)
$\underline{\checkmark}$ individual $\underline{\checkmark}$ official capacity. (Check one or both). Explain how this defendant was
acting
L. C. T. d. C. marallana I Occam Supposition
under color of law: Jail Correctional Officer, Supervisor
5) Defendant Donald White resides at 911 E. Musser St. (full name of first defendant) (address if first defendant)
(full name of first defendant) (address if first defendant)
and is employed as <u>Captain of Police</u> . This defendant is sued in his/her
(defendant's position and title, if any)
individual official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Jail Correctional Officer, Supervisor
under color of law: JACL COTTECTIONEST CTTICET, JUDETVISOT

6) Defendant resides at	
6) Defendant resides at (full name of first defendant)	(address if first defendant)
and is employed as(defendant's position and title, if any)	. This defendant is sued in his/her
(defendant's position and title, if any)	
individual official capacity. (Check one or both)	. Explain how this detendant was
acting	
under color of law:	
7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) a to assert jurisdiction under different or additional statutes, list to	and 42 U.S.C. § 1983. If you wish them below.
B. NATURE OF THE CAS 1) Briefly state the background of your case.	E
Between the dates of March	14th, 2013 to
October 10th, 2013 I was held as a	ore-trial detainer
in the Carson City Sheriff's Departmen	ts detention facility
During this confinement my Freedom	n of Speech right
to incoming and outgoing correspondence	e through the USPS
was violated; Causing me and my fam	ely damages.
was violated, causing the and try tan	LY Daring.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: My right to Freedom of Speech as guaranteed by the First Amendment was violated.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Between the dates of March 14th, 2013 to October 10th, 2013 I was held as a pre-trial detainee in the Carson City Sheriff's Department's detention facility.

During this confinement all of my personal correspondence mail was limited to USPS pre-stamped postcards or shop made tourist postcards. This created an undue burden on me and my family.

Carson County, the Carson City Sheriff's Department, Sheriff
Ken Furlong, and Captain Donald White created and are
responsible for managing this Postcard-Only Mail Policy.

Approximatly September of 2013 I spake with White concerning my grievances about this issue. I expressed my concerns as well as other inmates at the institution. White responded with the sarcastic remark "Your brother can write his grades on a postcard, Your wife can describe what your [newborn] haby looks like, and Jesus can wait until you get out of jail." White failed to correct this unconstitutional policy.

COUNT II

The fol	The following civil rights has been violated:		
	Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].		

	COUNT III c following civil rights has been violated:	
e fo		
	Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].	
<u> </u>		
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	D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF	
l)	Have you filed other actions in state or federal courts involving the same or similar fa as involved in this action? Yes No. If your answer is "Yes", describe es lawsuit. (If more than one, describe the others on an additional page following the bel	

a)	Defendants:
b)	Name of court and docket number:
c)	Disposition (for example, was the case dismissed, appealed or is it still pending?):
d)	Issues raised:
e)	Approximate date it was filed:
f)	Approximate date of disposition:
three	YesNo. If your answer is "Yes", describe each lawsuit. (If you had more than eactions dismissed based on the above reasons, describe the others on an additional page twing the below outline.)
Law	suit #1 dismissed as frivolous, malicious, or failed to state a claim:
a)	Defendants:
b)	Name of court and case number:
c)	The case was dismissed because it was found to be (check one): frivolous malicious or failed to state a claim upon which relief could be granted.
d)	Issues raised:
e)	Approximate date it was filed:
•	Approximate date of disposition:
f)	
·	suit #2 dismissed as frivolous, malicious, or failed to state a claim:
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c)	The case was dismissed because it was found to be (check one): frivolous malicious or failed to state a claim upon which relief could be granted.
d)	Issues raised:
e)	Approximate date it was filed:
f)	Approximate date of disposition:
Law	suit #3 dismissed as frivolous, malicious, or failed to state a claim:
a)	Defendants:
b)	Name of court and case number:
c)	The case was dismissed because it was found to be (check one): frivolous failed to state a claim upon which relief could be granted.
d)	Issues raised:
e)	Approximate date it was filed:
f)	Approximate date of disposition:
prop proc relie stat boar	e you attempted to resolve the dispute stated in this action by seeking relief from the er administrative officials, e.g., have you exhausted available administrative grievance edures? Yes No. If your answer is "No", did you not attempt administrative f because the dispute involved the validity of a: (1) disciplinary hearing; (2) e or federal court decision; (3) state or federal law or regulation; (4) parole decision; or (5) other our answer is "Yes", provide the following information. Grievance Number
Date	and institution where grievance was filed 6-8,8-22-13 CCSD.
Res _j	conse to grievance: The inmate handback is not open to your corpretation. Detail how you were harmed by this policy. ur brother can write his grades on a pestcard, Your

wife can describe to you what your baby books like, and Jesus can wait until you get out of jail-
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E. REQUEST FOR RELIEF
I believe that I am entitled to the following relief:
A declaration that the acts and omissions described herein are violative of the Constitution and laws of the
C. Dunative demoner
Recovery of costs in this suit. Any additional relief this court deems just, proper, and equitable.
Any additional relief this court deems Just, proper,
and equitable.
I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.
(Name of Person who prepared or helped prepare this complaint if not Plaintiff) (Signature of Plaintiff)
August 19th, 2014 (Date)
(Additional space if needed; identify what is being continued)